

MINUTE ENTRY

9:10 a.m.

UNITED STATES OF AMERICA -V- JIANG, JING JU

PRESENT: HON. ALEX R. MUNSON, JUDGE PRESIDING
K. LYNN LEMIEUX, COURTROOM DEPUTY
SANAE N. SHMULL, COURT REPORTER
JAMIE BOWERS, ASSISTANT U.S. ATTORNEY
BRUCE BERLINE, ATTORNEY FOR DEFENDANT
JIANG, JING JU, DEFENDANT

PROCEEDINGS: WAIVER OF SPEEDY TRIAL/CHANGE OF PLEA/WAIVER OF PRE-SENTENCE REPORT/
SENTENCING

Defendant appeared with counsel, Attorney Bruce Berline. Government was represented by Jamie Bowers, AUSA.

Aby Leung was sworn as interpreter/translator of the Chinese language.

Defendant was sworn and examined as to his understanding of his constitutional rights, his right to trial and his understanding of the proceedings.

WAIVER OF SPEEDY TRIAL

Defendant signed the Waiver Of Speedy Trial pleading in court. Defendant stated in open court that he wished to waive his right to speedy trial. Defendant was examined as to his understanding of his constitutional rights and his right to a speedy trial.

The Court found that pursuant to Title 18, U.S.C. Code 3161 (h)(8) that the ends of justice would be served by allowing the defense further time to review the evidence in preparation for trial and further time to pursue plea negotiations outweigh any other interests the public or the defendant may have in a speedy trial; therefore it was ordered that the jury trial would be waived.

ENTRY OF PLEA

Defendant waived reading of the indictment and entered a plea of GUILTY. Court found that the defendant was fully competent to enter a knowing and voluntary plea. Court accepted the plea.

Government stated what they would be able to prove if this matter proceeded to trial.

Defense moved to waive the Presentence Investigation Report and moved to proceed with Sentencing at this time; no objection by Government. Court granted the motion.

Court recessed at 9:50 a.m. and reconvened at 9:55 a.m.

SENTENCING

Government recommended a sentence of time served. Defense recommended a sentence within the range of 0-6 months and that the fine be waived.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant JIANG JING JU is hereby sentenced to time served. Upon release from imprisonment, the defendant is to be delivered to the Commonwealth of the Northern Mariana Islands Immigration office for deportation proceedings. Should deportation fail to occur the defendant shall be placed on supervised release for two years with the following conditions:

1. That the defendant shall not commit another federal, state or local crime;
2. The defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Sentencing Commission:
3. That the defendant shall not possess a firearm or other dangerous weapon;
4. That the defendant shall refrain from any unlawful use of a controlled substance.
5. That the defendant shall seek and maintain gainful employment;

Pursuant to Â§5E1.2(f) of the guidelines, all fines are waived since it has been determined that the defendant does not have the ability to pay any fine. It is further ordered that the defendant pay to the Court a special assessment fee of \$200 to be paid immediately after sentencing.

No objection to the sentence by the attorneys. Defendant was advised of his right to an appeal within 10 days and his right to an attorney for appeal. However, the defendant was reminded that he has waived his right to appeal the sentence in this case.

Defendant was remanded back into the custody of the U.S. Marshal.

Adj. 10:10 a.m.

; [KLL EOD 07/01/2005]